

**Tennessee Board of Architectural and Engineering Examiners  
Board Meeting  
Vanderbilt University  
School of Engineering  
Nashville, Tennessee**

October 17, 2008

**Board Members Present**

Hal Balthrop, Professional Engineer  
James Hastings, Registered Architect  
Philip Lim, Professional Engineer  
Bill Lockwood, Registered Landscape Architect  
David Schuermann, Registered Architect  
Leslie Shankman-Cohn, Registered Interior Designer  
Richard Thompson, Registered Architect  
Brenda Wood, Public Member

**Board Member Absent**

Bob Campbell, Professional Engineer

**Associate Board Members Present**

Dennis Henderson, Professional Engineer  
Carlton Norris, Professional Engineer  
Raymond White, Professional Engineer

**Staff Present**

Robert Herndon, Legal Counsel  
John Cothron, Executive Director  
Wanda Phillips, Administrative Manager  
Wanda Garner, Administrative Assistant

**Guests**

The following guests attended all or part of the Board meeting:  
Katherine Nichols, President of the Tennessee Society of Professional Engineers (TSPE)  
Don Baltimore, Tennessee Interior Design Coalition (TIDC)  
Said El Said, Tennessee Department of Transportation  
John Olert, Olert Engineering, Inc.

**CALL TO ORDER**

Jim Hastings, chair, called the meeting to order at 9:05 a.m. Roll call determined that a quorum was present.

No changes were made to the agenda.

## **OPEN FORUM**

Said El Said stated that he was there only to observe a Board meeting.

## **CONSENT AGENDA**

### *1. Approval of Minutes (attached)*

Mr. Thompson, seconded by Mr. Lockwood, moved to accept the minutes of the September 18, 2008, meeting as written. The motion passed unanimously.

## **PROFESSIONAL SOCIETY REPORTS**

### *1. TSPE*

- a. Katherine Nichols stated that TSPE is interested in encouraging licensure.
- b. TSPE promotes programs that interest elementary, junior, and senior high students in engineering.
- c. Ms. Nichols offered assistance to Mr. Cothron and Board members when they speak to students.
- d. Student chapters of TSPE exist and are active.

## **DIRECTOR'S REPORT**

1. Ms. Shankman-Cohn and Mr. Cothron have been approved to attend the National Council for Interior Design Qualification (NCIDQ) Annual Meeting in Kansas City on November 14-15.
2. Mr. Cothron plans to attend the National Council of Architectural Registration Boards (NCARB) Member Board Executives Workshop in Arlington, VA on November 7-8, pending approval of the travel request. All expenses for this meeting are paid by NCARB.
3. The department is in the process of revising all websites to conform to a new format mandated by the Governor's office. Each web page will have a main page, a page for businesses, and a page for individuals.
4. TSPE and the American Institute of Architects Tennessee (AIA-TN) are sponsoring continuing education seminars in December at which the State Fire Marshal's Office will make presentations on codes and plans submittal. The Board has been asked to send representatives to these meetings. Bob Campbell was volunteered to attend the seminar in Knoxville on December 3, John Cothron and Hal Balthrop will attend the seminar in Nashville on December 4, and David Schuermann, Leslie Shankman-Cohn and Philip Lim will attend the seminar in Memphis on December 5.
5. *Licensing Data* (attached) was submitted for informational purposes only.
6. *Complaint Data* (attached) was submitted for informational purposes only.
7. *Financial Data* (attached) was submitted and reviewed by Mr. Lim.

John Olert, P.E., asked if he could speak to the Board about the Standard of Care for Fire Sprinkler System Design. The chair placed him on the agenda to follow the General Discussion of Future Plans.

Don Baltimore, TIDC, arrived. Mr. Baltimore stated that TIDC supports the appointment of an associate interior designer member to the Board.

## **OLD BUSINESS**

### *1. Action Items (attached)*

- a. Mr. Cothron sent a formal letter to recognized professional and trade organizations asking for recommendations regarding what signs should be designed by a licensed design professional and the technical rationale for the recommendations. He has so far received no responses.
- b. Mr. Hastings stated that changes to the Board's seal will soon be submitted.
- c. Proposed continuing education rule changes will be presented later in this meeting.
- d. The remaining action items have been completed.

## **NEW BUSINESS**

### *1. 2009 Meeting Dates and Proposed Travel (attached)*

Ms. Shankman-Cohn asked that the April Board meeting be scheduled for the 23<sup>rd</sup> and 24<sup>th</sup>. It was suggested that the Planning Session be held at Fall Creek Falls State Park or on the Lipscomb University campus. Mr. Lockwood, seconded by Ms. Shankman-Cohn, moved to approve the 2009 meeting dates as amended. The motion passed unanimously.

Mr. Schuermann, seconded by Ms. Wood, moved to approve the proposed travel plans. The motion passed unanimously.

### *2. Application/Examination Deadline Dates (attached)*

Mr. Lim, seconded by Mr. Thompson, moved to approve the application/examination deadline dates as presented. The motion passed unanimously.

## **COMMITTEE REPORTS/ACTION ON ITEMS DISCUSSED**

(Proposed laws, rules and policies for the committees to discuss are attached.)

Board members agreed with the following:

- Remove the requirement that applicants provide a photo on application forms.
- Ask for only the last four digits of the applicant's Social Security number on application forms.
- Retain the affidavit on the application form on which the applicant attests to having read the law and rules and certifies the accuracy of the information provided.

- Make no changes to the design of the wall certificate.
  - Reject a proposed rule requiring written contracts for professional services offered to the public.
1. *Interior Design Committee* (Leslie Shankman-Cohn, Jim Hastings, Philip Lim)
    - a. The committee agreed with the proposed rule change regarding the evaluation of non-accredited interior design curricula (Rule 0120-4-.04).
  2. *Landscape Architect Committee* (Bill Lockwood, David Schuermann)
    - a. The committee agreed with the proposed rule change allowing applicants to sit for the exam before completing practical experience (Rule 0120-1-.12).
    - b. It was agreed that, even though an applicant for registration may submit a council record, he/she should still give detailed information of progressive experience on design projects to enable evaluation of experience as requested on the application form.
  3. *Engineer Committee* (Philip Lim, Hal Balthrop, Dennis Henderson, Carlton Norris, Raymond White)
    - a. The committee agreed with a proposed rule change stating that senior students applying to take the Fundamentals of Engineering exam must be enrolled in a Tennessee college or university (Rule 0120-1-.03).
    - b. The committee agreed with proposed changes to rule 0120-1-.10, which speaks to acceptable education and experience.
    - c. The committee decided to ask Dr. John W. Smith for his opinion as to whether a degree in “engineering management” should be accepted as meeting the education requirement to obtain engineering registration in Tennessee.
    - d. The committee discussed humanities/social sciences deficiencies, and agreed that certain activities, such as engineering experience in the U.S., ethics courses, civic involvement, advanced degrees, and obtaining U.S. citizenship, could be used to fulfill these deficiencies found in many foreign degrees that are not accredited by the Accreditation Board for Engineering and Technology (ABET).
    - e. The committee asked that staff compile a list of activities that could fulfill the humanities/social sciences requirement.
    - f. The deans told Board members that a doctoral degree is not equivalent to a master’s degree because doctoral programs are almost entirely research-focused. The Board requested an Attorney General opinion as to whether a doctoral degree could be accepted as equivalent to a master’s degree for registration as a professional engineer.
    - g. It was agreed that, even though an applicant for registration may submit a council record, he/she should still give detailed information of progressive experience on design projects to enable evaluation of experience as requested on the application form.
  4. *Grants to Higher Education Committee* (Philip Lim, Jim Hastings, Bill Lockwood, Leslie Shankman-Cohn, Brenda Wood, David Schuermann)
    - a. Mr. Hastings will talk to Mr. John McRae, Dean of the College of Architecture & Design at the University of Tennessee at Knoxville, about setting up a procedure

for using grant money to pay the initial fee for students to begin the architectural Intern Development Program.

- b. No changes were made in the methodology for distribution of grant funds. (attached)
- c. Mr. Lim, seconded by Ms. Wood, moved to request that the grants appropriation be increased to \$250,000. The motion passed unanimously.
- 5. *Law and Rules/Policies Committee* (Jim Hastings, Bill Lockwood, Leslie Shankman-Cohn, Rick Thompson, Raymond White)
  - a. A majority of committee members did not support the proposal to add a non-voting associate landscape architect and a non-voting associate interior designer to the Board. It was agreed that this proposal requires more discussion.
  - b. The committee supported proposed changes to rules 0120-2-.02 and 0120-4-.10 requiring registrants possessing knowledge of an applicant's qualifications for registration to respond in writing to the Board regarding those qualifications when requested to do so by the Board.
  - c. The committee supported a proposed change to rule 0120-2-.08 specifying that design calculations must be sealed if submitted for review.
  - d. Mr. Thompson, seconded by Ms. Wood, moved to accept a proposed change to the policy regarding the use of the title if one is registered in other jurisdictions. Following a discussion regarding the wording of the policy, Mr. Thompson withdrew his motion. Ms. Wood, seconded by Mr. Schuermann, moved to send the item back to committee. The motion passed unanimously.
  - e. After much discussion, it was agreed that suggested revisions to Appendices C and D of the *Reference Manual for Building Officials and Design Professionals* should be discussed further in committee. (attached)
  - f. Mr. Lim, seconded by Ms. Shankman-Cohn, moved to delete paragraph II (8)(e), an item regarding Microbiologically Influenced Corrosion (MIC), from the Standard of Care for Fire Sprinkler System Design. The motion passed unanimously.
  - g. It was agreed that the committee should schedule a meeting in December with the State Fire Marshal's Office and professional societies to discuss integrated project delivery.
- 6. *Continuing Education Committee* (Dennis Henderson, David Schuermann, Bill Lockwood, Leslie Shankman-Cohn, Brenda Wood)
  - a. It was agreed to propose rules that would
    - i. clarify that activities less than 1 Professional Development Hour (PDH) in duration are unacceptable;
    - ii. add "Active participation in a technical/professional society or organization, or a public board, as an officer or committee member" (maximum 8 PDH's per biennium) to the list of acceptable continuing education activities, and
    - iii. specify that inactive or retired registrants returning to active practice must report PDH's earned within no more than two years of the request to reactivate.

- b. Mr. Cothron will ask programmers to revise the audit selection process in response to concerns that the process is not truly random.

Mr. Herndon and Mr. Cothron will draft appropriate wording for all recommended rule changes and additions.

7. *Architect Committee* (David Schuermann, Jim Hastings, Rick Thompson)

- a. The committee supported the proposed rule change requiring registrants possessing knowledge of an applicant's qualifications for registration to respond in writing to the Board regarding those qualifications when requested to do so by the Board.
- b. It was agreed that, even though an applicant for registration may submit a council record, he/she should still give detailed information of progressive experience on design projects to enable evaluation of experience as requested on the application form. However, applicants with many years of experience could be given the option of listing only the last ten (10) years of experience, at the staff's discretion.

8. *Publications Committee* (Rick Thompson, Bill Lockwood, Leslie Shankman-Cohn, Carlton Norris)

- a. Mr. Thompson agreed to review codes and make suggestions for updates to Appendices C and D of the *Reference Manual for Building Officials and Design Professionals*. Ms. Shankman-Cohn agreed to review Appendices C and D for inconsistencies in the wording.
- b. The committee discussed several newsletter article ideas:
  - i. An article by Ms. Shankman-Cohn on the recent rule change requiring written disclosure to clients.
  - ii. An article by Mr. Lockwood on sustainable design in landscape architecture.
  - iii. An article by Ms. Wood on the Board from a public perspective.
- c. Mr. Thompson, seconded by Ms. Shankman-Cohn, moved to approve the changes and corrections to the *Consumer's Guide to the Design Professions* (attached) as submitted with the following changes under "Interior Design Services:"
  - i. third bullet — change "consultations" to "consulting;"
  - ii. fourth bullet --- change "formulates" to "formulating;"
  - iii. fifth bullet — change "reflective" to "reflected;" and
  - iv. seventh bullet — add "and fixtures."

9. *Licensure Outreach* (David Schuermann, Bill Lockwood, Leslie Shankman-Cohn, Carlton Norris, Brenda Wood)

- a. Mr. Cothron will send a letter to all who were invited to the meeting with architectural, engineering, landscape architectural and interior design deans and program directors highlighting points that were discussed.
- b. It was agreed to schedule another meeting with the deans and program directors to be held in Memphis in 2010.

## **JOHN OLERT — Standard of Care for Fire Sprinkler System Design**

Mr. Olert expressed concerns that the Standard of Care is not being enforced in local jurisdictions. It was suggested that the Standard of Care should be stressed when the Board makes presentations to building officials.

## **GENERAL DISCUSSION OF FUTURE PLANS, ACTION ON ITEMS DISCUSSED**

Mr. Balthrop mentioned that several engineering deans expressed the need for more engineering-related jobs in Tennessee for their graduates, many of whom leave the state after graduation. Mr. Balthrop and Mr. Henderson agreed to work with TSPE to address this problem.

## **LEGAL CASE REPORT** (presented by Robert Herndon) (attached)

1. *Case #L08-AEL-RBS-2008022481* *Complaint #200802248*  
Mr. Schuermann, seconded by Ms. Shankman-Cohn, moved to dismiss and close the case. The motion passed unanimously.
2. *Case #L05-AEL-RBS-2005034501* *Complaint #200503450*  
Mr. Lockwood, seconded by Mr. Balthrop, moved to dismiss and close the case. The motion passed unanimously.
3. *Case #L08-AEL-RBS-2008000291* *Complaint #200800029*  
Mr. Lim, seconded by Mr. Lockwood, moved to authorize an informal conference with the Board member who reviewed the complaint. The motion passed unanimously.

The Board requested that their recent comments on rules proposed by the State Fire Marshal's Office should be forwarded to the Attorney General's office with the Fire Prevention Division's response.

It was announced that, in an effort to assure prompt reporting, per diem claim forms will be attached to each batch of applications and/or audits that are transmitted to Board members for their review.

The meeting adjourned at 11:30 a.m.

## **ATTACHMENTS**

Minutes of the September 18, 2008 Meeting

Licensing Data

Complaint Data

Financial Data

Action Items

2009 Meeting Dates

Proposed Travel

Application/Examination Deadline Dates

Proposed laws, rules and policies for discussion

Grant Distribution Methodology

*Reference Manual for Building Officials and Design Professionals* with revisions

*Consumer's Guide to the Design Professions* with revisions

Legal Case Report